

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

CLERKS OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED
October 08, 2024
LAURA A. AUSTIN, CLERK
BY *s/ S. MELVIN*
DEPUTY CLERK

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, APRIL MUÑIZ, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, JOHN DOE, and THOMAS
BAKER,

Plaintiffs,

v.

JASON KESSLER, et al.,

Defendants.

AMENDED JUDGMENT

Civil Action No. 3:17-cv-00072-NKM

AMENDED JUDGMENT

A jury heard this matter from October 25, 2021 to November 23, 2021 and returned a verdict in favor of the Plaintiffs as to liability on Counts III, IV, V and VI. The jury did not reach a verdict on Counts I or II.

The Court entered judgment on January 9, 2023, affirming the jury verdict in part and awarding nominal and compensatory damages as follows:

- i. On Count III, nominal damages of \$1.00 each to Plaintiffs Natalie Romero, April Muñiz, Thomas Baker, Marissa Blair, Marcus Martin, Chelsea Alvarado, and Devin Willis;
- ii. On Count IV, compensatory damages of \$250,000 each to Plaintiffs Romero and Willis;
- iii. On Count V, compensatory damages of \$217,715 to Romero; \$108,000 to Muñiz; \$318,575 to Baker; \$2,000 to Blair; and \$156,987 to Martin;
- iv. On Count VI, compensatory damages of \$155,715 to Romero; \$50,000 to Muñiz; \$246,757 to Baker; \$50,000 to Sines; \$100,000 to Blair; and \$98,987 to Martin.

See Dkt. 1631.

The Court held all Defendants jointly and severally liable for the nominal and compensatory damages awards on Counts III, IV, and V, which amount is \$1,303,284. The Court held Defendant Fields liable for the compensatory damages awarded on Count VI, which amount is \$701,459. In a July 1, 2024 decision, the United States Court of Appeals for the Fourth Circuit affirmed these portions of this Court's Judgment, including this Court's imposition of joint-and-several liability on all Defendants for the damages awarded on Counts III, IV, and V. See Dkt. 1683 at 6.

Eight Plaintiffs in this action (Alvarado, Baker, Blair, Martin, Muñiz, Romero, Sines, and Willis) also sought punitive damages. The jury awarded a total of \$24 million in punitive damages in its verdict, including \$12.5 million against Fields; \$1 million against each of Vanguard America, League of the South, Identity Evropa, Traditionalist Worker Party, and National Socialist Movement; \$700,000 against each of Kessler, Spencer, Cantwell, Ray, and Kline; and \$500,000 against each of Damigo, Heimbach, Parrott, Hill, Tubbs, and Schoep. See Dkt. 1478 at 5-9. Applying Virginia's statutory cap on punitive damages, this Court reduced the jury's punitive damages award to a total of \$350,000. See Dkt. 1631 at 3-4. However, the Fourth Circuit vacated this portion of the Court's Judgment and remanded with instructions to apply the \$350,000 statutory cap on a per-plaintiff basis. See Dkt. 1683 at 27.

Accordingly, it is hereby **ADJUDGED AND ORDERED** that the Court's Judgment dated January 9, 2023 is amended to **cap the jury's punitive damages award at \$2,800,000**, or \$350,000 for each of the eight Plaintiffs who sought punitive damages. In addition to their nominal and compensatory damages liability, each Defendant found liable by the jury at trial for punitive damages is also liable for their pro rata portion of the amended punitive damages award of \$2,800,000, as follows: \$1,458,333.32 for Fields; \$116,666.67 for each of Vanguard America,

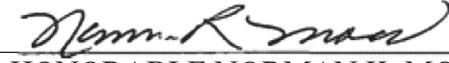
League of the South, Identity Evropa, Traditionalist Worker Party, and National Socialist Movement; \$81,666.67 for each of Kessler, Spencer, Cantwell, Ray, and Kline; and \$58,333.33 for each of Damigo, Heimbach, Parrott, Hill, Tubbs, and Schoep.

In all other respects besides the punitive damages award, as noted above, the Court affirmed the jury verdict. The Court also determined, in separate Orders following its January 9, 2023 Judgment, that Defendants Kessler, Spencer, Kline, Ray, Cantwell, and Fields were jointly and severally liable for a total of \$3.18 million in reasonable attorney's fees to Plaintiffs Romero, Muñiz, Wispelwey, Sines, Blair, Martin, and Willis; that all Defendants were jointly and severally liable for a total of \$468,216.15 in costs to all Plaintiffs; and that Defendants Cantwell, Damigo, Heimbach, Hill, Identity Evropa, Kessler, League of the South, Kline, Nationalist Front, National Socialist Movement, Parrott, Ray, Schoep, Spencer, Traditionalist Worker Party, Tubbs, and Vanguard America were jointly and severally liable for a total of \$1,266,420.84 in reimbursable expenses to all Plaintiffs under the terms of the ESI Stipulation & Order. See Dkt. 1660 at 3; Dkt. 1656 at 3; Fed. R. Civ. P. 58(a)(3). No party appealed from either of these Orders.

It is therefore **ADJUDGED AND ORDERED** that this Amended Judgment is entered in favor of Plaintiffs on Counts III, IV, V, and VI; Counts I and II remain **DISMISSED**, see Dkt. 1672; and this case is **DISMISSED** from the Court's active docket. Plaintiffs are further entitled to post-judgment interest under 28 U.S.C. § 1961.

The Clerk of Court is directed to send this Amended Judgment to the parties.

ENTERED this 8th day of October, 2024.



THE HONORABLE NORMAN K. MOON
Senior United States District Judge